

§ 121.447

§ 121.447 [Reserved]

§ 121.453 Flight engineer qualifications.

(a) No certificate holder may use any person nor may any person serve as a flight engineer on an airplane unless, within the preceding 6 calendar months, he has had at least 50 hours of flight time as a flight engineer on that type airplane or the certificate holder or the Administrator has checked him on that type airplane and determined that he is familiar and competent with all essential current information and operating procedures.

(b) A flight check given in accordance with § 121.425(a)(2) satisfies the requirements of paragraph (a) of this section.

[Doc. No. 9509, 35 FR 96, Jan. 3, 1970]

§ 121.455 Use of prohibited drugs.

(a) This section applies to persons who perform a function listed in appendix I to this part for the certificate holder or operator. For the purpose of this section, a person who performs such a function pursuant to a contract with the certificate holder or operator is considered to be performing that function for the certificate holder or operator.

(b) No certificate holder or operator may knowingly use any person to perform, nor may any person perform for a certificate holder or operator, either directly or by contract, any function listed in appendix I to this part while that person has a prohibited drug, as defined in that appendix, in his or her system.

(c) No certificate holder or operator shall knowingly use any person to perform, nor shall any person perform for a certificate holder or operator, either directly or by contract, any safety-sensitive function if the person has a verified positive drug test result on or has refused to submit to a drug test required by appendix I to part 121 of this chapter and the person has not met the requirements of appendix I for return-

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ing to the performance of safety-sensitive duties.

[Doc. No. 25148, 53 FR 47057, Nov. 21, 1988, as amended by Amdt. 121-240, 59 FR 42928, Aug. 19, 1994; Amdt. 121-251, 60 FR 65934, Dec. 20, 1995]

§ 121.457 Testing for prohibited drugs.

(a) Each certificate holder or operator shall test each of its employees who performs a function listed in appendix I to this part in accordance with that appendix.

(b) No certificate holder or operator may use any contractor to perform a function listed in appendix I to this part unless that contractor tests each employee performing such a function for the certificate holder or operator in accordance with that appendix.

[Doc. No. 25148, 53 FR 47057, Nov. 21, 1988, as amended by Amdt. 121-251, 60 FR 65934, Dec. 20, 1995]

§ 121.458 Misuse of alcohol.

(a) *General.* This section applies to employees who perform a function listed in appendix J to this part for a certificate holder (*covered employees*). For the purpose of this section, a person who meets the definition of covered employee in appendix J is considered to be performing the function for the certificate holder.

(b) *Alcohol concentration.* No covered employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. No certificate holder having actual knowledge that an employee has an alcohol concentration of 0.04 or greater shall permit the employee to perform or continue to perform safety-sensitive functions.

(c) *On-duty use.* No covered employee shall use alcohol while performing safety-sensitive functions. No certificate holder having actual knowledge that a covered employee is using alcohol while performing safety-sensitive functions shall permit the employee to perform or continue to perform safety-sensitive functions.

(d) *Pre-duty use.* (1) No covered employee shall perform flight crew-member or flight attendant duties within 8 hours after using alcohol. No certificate holder having actual knowledge that such an employee has used alcohol within 8 hours shall permit the employee to perform or continue to perform the specified duties.

(2) No covered employee shall perform safety-sensitive duties other than those specified in paragraph (d)(1) of this section within 4 hours after using alcohol. No certificate holder having actual knowledge that such an employee has used alcohol within 4 hours shall permit the employee to perform or continue to perform safety-sensitive functions.

(e) *Use following an accident.* No covered employee who has actual knowledge of an accident involving an aircraft for which he or she performed a safety-sensitive function at or near the time of the accident shall use alcohol for 8 hours following the accident, unless he or she has been given a post-accident test under appendix J of this part, or the employer has determined that the employee's performance could not have contributed to the accident.

(f) *Refusal to submit to a required alcohol test.* No covered employee shall refuse to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol test required under appendix J to this part. No certificate holder shall permit an employee who refuses to submit to such a test to perform or continue to perform safety-sensitive functions.

[Amdt. 121-237, 59 FR 7389, Feb. 15, 1994]

§ 121.459 Testing for alcohol.

(a) Each certificate holder must establish an alcohol misuse prevention program in accordance with the provisions of appendix J to this part.

(b) No certificate holder shall use any person who meets the definition of *covered employee* in appendix J to this part to perform a safety-sensitive function listed in that appendix unless such person is subject to testing for alcohol misuse in accordance with the provisions of appendix J.

[Amdt. 121-237, 59 FR 7390, Feb. 15, 1994]

Subpart P—Aircraft Dispatcher Qualifications and Duty Time

Limitations: Domestic and Flag Operations; Flight Attendant Duty Period Limitations and Rest Requirements: Domestic, Flag, and Supplemental Operations

§ 121.461 Applicability.

This subpart prescribes—

(a) Qualifications and duty time limitations for aircraft dispatchers for certificate holders conducting domestic flag operations; and

(b) Duty period limitations and rest requirements for flight attendants used by certificate holders conducting domestic, flag, or supplemental operations.

[Doc. No. 28154, 61 FR 2612, Jan. 26, 1996]

§ 121.463 Aircraft dispatcher qualifications.

(a) No certificate holder conducting domestic or flag operations may use any person, nor may any person serve, as an aircraft dispatcher for a particular airplane group unless that person has, with respect to an airplane of that group, satisfactorily completed the following:

(1) Initial dispatcher training, except that a person who has satisfactorily completed such training for another type airplane of the same group need only complete the appropriate transition training.

(2) Operating familiarization consisting of at least 5 hours observing operations under this part from the flight deck or, for airplanes without an observer seat on the flight deck, from a forward passenger seat with headset or speaker. This requirement may be reduced to a minimum of 2½ hours by the substitution of one additional takeoff and landing for an hour of flight. A person may serve as an aircraft dispatcher without meeting the requirement of this paragraph (a) for 90 days after initial introduction of the airplane into operations under this part.

(b) No certificate holder conducting domestic or flag operations may use any person, nor may any person serve, as an aircraft dispatcher for a particular type airplane unless that person has, with respect to that airplane,